

UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JAN 26 2007

LAWRENCE M LAVIN JR
MONSANTO COMPANY -BB4F
700 CHESTERFIELD PARKWAY NORTH
ST LOUIS MO 63198

In re Application of :
David a. Fischhoffet al :
Serial No.: 08/434,105 : PETITION DECISION
Filed: May 3, 1995 :
Attorney Docket No.: 28079/41785 :
:

This is a response to the petitions under 37 CFR 1.59(b), filed December 6, 2006, to expunge information from the above identified application.

Petitioner requests that documents submitted December 6, 2006, as a Proprietary Information Disclosure Statement be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17(h) has been paid.

This application has not yet been examined on the merits. Applicants have submitted a Proprietary Information Document, but the information provided has not been reviewed and the petition cannot be granted at this time. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application petition may be made for return of Proprietary Information Disclosure Statements.

The petition is **DISMISSED**. Applicants may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

The application will be forwarded to the examiner for consideration of the information submitted and further action as warranted.

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, at the above address, or by telephone at 571-272-0519 or by facsimile transmission at general Office facsimile number, 571-273-8300.

George C. Elliott
George Elliott
Director, Technology Center 1600